

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 12,620

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Appeal of)

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INTRODUCTION

The petitioner appeals the decisions by the Department of Social Welfare reducing her ANFC and food stamp benefits in order to recoup an overpayment of those benefits to the petitioner that occurred in May and June of 1993. The issue is whether the Department can recoup these overpayments in addition to the imposition of an administrative disqualification penalty that prohibits the petitioner from receiving food stamps for six months.

FINDINGS OF FACT

The facts are not in dispute. In September, 1993, the petitioner signed a "waiver" admitting that she had committed an "intentional program violation" by receiving public assistance in May and June, 1993, in the states of Maine and Vermont at the same time; and that as a result she would be disqualified for six months from receiving food stamps from the time she applied for and was found eligible for them, and that the remaining members of her household would then have their benefits reduced and would be responsible for repaying the overpayment of \$433.00. At the

time, the petitioner was receiving neither ANFC nor food stamps.

In December, 1993, the Department notified the petitioner that she had been overpaid \$899.00 in ANFC for the months of May and June, 1993, and that if she reapplied and was found eligible her grant would be reduced until this amount was recouped.

The petitioner reapplied for ANFC and food stamps in January, 1994. The Department notified her that she was eligible for ANFC in the amount of \$575.00 a month after a 10% recoupment, and for food stamps as a household of two persons (her two children) for \$88.00 a month after a 20% recoupment. The petitioner was also notified that she could not become an eligible member of the food stamp household for six months.

At the hearing in this matter, held on April 13, 1994, the petitioner did not dispute that she was overpaid food stamps and ANFC in the amounts claimed by the Department. Her grievance at this time stems

from her misunderstanding of the fact that the Department would recoup these overpayments in addition to her six-month intentional program violation penalty for food stamps.

ORDER

The Department's decision is affirmed.

REASONS

The ANFC regulations clearly provide that all overpayments of ANFC caused by other than Department error must be recouped at a rate of 10% of a recipient's ongoing benefits. W.A.M. § 2234.2. The food stamp regulations provide that overpayments resulting from an intentional program violation must be recouped at a rate of 20% of the ongoing benefits payable to the remaining household members. F.S.M. § 273.18(g). Inasmuch as the petitioner does not dispute the factual basis of the Department's decisions, because those decisions are in accord with the applicable regulations the Board is bound by law to affirm them. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 19, and Food Stamp Fair Hearing Rule No. 17.

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